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October 14, 2005

BY ELECTRONIC FILING AND HAND DELIVERY

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RE: Eames v. Nationwide Mut. Ins. Co.
C.A. No.: 04-CV-1324KAJ

Dear Master Semple:

Consistent with Your Honor's instructions, I enclose copies of certain background materials. They include:

- Class Action Complaint.
- Nationwide's opening brief in support of its motion to dismiss, with appendix.
- The Eames plaintiffs' answering brief in opposition to Nationwide's motion to dismiss, with appendix.
- Nationwide's reply brief in support of its motion to dismiss.
- May 31, 2005 letter from John Spadaro to Judge Jordan, seeking relief with respect to the Eames plaintiffs' initial document requests.
- August 4, 2005 letter from Nicolas Skiles to Judge Jordan, responding to the Eames plaintiffs' May 31 letter.
- Transcript of August 5, 2005 teleconference with the Court regarding the Eames plaintiffs' application for relief with respect to their initial document requests.
- September 9, 2005 letter from John Spadaro to Judge Jordan, seeking further relief with respect to the Eames plaintiffs' initial document requests.

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- September 12, 2005 letter from Nicolas Skiles to Judge Jordan, responding to the Eames plaintiffs' September 9 letter.

- Transcript of September 13, 2005 teleconference with the Court regarding the Eames plaintiffs' application for further relief with respect to their initial document requests.

- Stipulated Protective Order.¹

I regret to report that the parties were unable to reach agreement on the contents of this package. Specifically, the Eames plaintiffs agreed to every item that Nationwide proposed for inclusion, but Nationwide objected to four items that the Eames plaintiffs proposed. Those four items are the parties' letters of May 31, August 4, September 9 and September 12, sent to Judge Jordan in connection with the very discovery dispute that led to Your Honor's appointment.

In essence, these four letters are the Eames plaintiffs' discovery motions. They address the same discovery that our imminent motion to compel will seek. They also provide essential context for the arguments, rulings and other remarks set forth in the two hearing transcripts, and for the dispute as a whole.

In our view, the SDM's review of the hearing transcripts and other materials will be much more meaningful with the aid of these letters, and considerably less meaningful without them. They contain the very record that brought us to this point. We therefore respectfully request that the SDM consider them, along with the materials whose inclusion Nationwide proposed (and to which we cheerfully agreed).

Finally, I note that in view of the volume of paper involved (and the fact that much of it duplicates existing docket entries), I have not uploaded the enclosures on the Court's electronic docket. I hope that approach is acceptable.

I am available to address any questions regarding this matter at the SDM's convenience.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr

cc: Curtis P. Cheyney, III, Esq. (by electronic filing)

¹ Though the Stipulated Protective Order bears no original signature, it was "so ordered" by the Court on October 4, 2005.